

HOUSE BILL 3278

By Newton

AN ACT to repeal Chapter 324 of the Private Acts of 1959; Chapter 255 of the Private Acts of 1961 and Chapter 269 of the Private Acts of 1976; and any other acts amendatory thereto, relative to the Bradley County Board of Education and to provide for the number, election and terms of members of the Bradley County Board of Education.

WHEREAS, currently three, inconsistent, private acts have been enacted relative to the Bradley County Board of Education; and

WHEREAS, one act addresses vacancies only, and two of the acts establish different sizes for the board, one of which was enacted based on county population rather than specifically naming the county; and

WHEREAS, the two private acts which establish the size of the boards are inconsistent with Tennessee Code Annotated, Section 49-2-201, which requires that county boards of education be elected from districts of substantially equal population for four-year staggered terms of office; and

WHEREAS, although the private acts are inconsistent with the general law, the members of the Bradley County Board of Education are presently elected from districts of

substantially equal population to staggered four (4) year terms in compliance with Tennessee Code Annotated, Section 49-2-201; and

WHEREAS, the current private acts should be repealed and a new private act enacted which complies with general law; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 324 of the Private Acts of 1959; Chapter 255 of the Private Acts of 1961 and Chapter 269 of the Private Acts of 1976; and any other acts amendatory thereto, are hereby repealed.

SECTION 2. Bradley County shall be divided into seven (7) school districts of substantially equal population, which shall be coextensive with the county legislative body districts established by resolution of the county legislative body from time to time.

SECTION 3. The Bradley County Board of Education (the "Board") shall consist of seven (7) members, with one member of the Board being elected by the qualified voters in each school district on a non-partisan basis. Board members shall be elected to staggered four (4) year terms so that the terms of approximately one-half (1/2) of the members expire every two (2) years. Persons elected in the regular August general election shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified. No board member's term shall be cut short as a result of the enactment of this act.

SECTION 4. At the August 2002 election, Board members shall be elected to serve Districts 2, 4 and 6; and at the August 2004 election, Board members shall be elected to serve Districts 1, 3, 5 and 7.

SECTION 5. The Bradley County Board of Education shall have the same powers duties, privileges and qualifications as the Board of Education established pursuant to Tennessee Code Annotated, Title 49. Further the provisions of Section 49-2-201 relative to vacancies shall also apply with respect to members of the Bradley County Board of Education.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Bradley County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Bradley County and certified to the secretary of state.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 7.